

DEC 27 '2001 15:04

# HOLLAND & KNIGHT LLP

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**TO: Commissioner of US Patent  
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**NAME**

**COMPANY/FIRM**

**703.872.9306**

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**Washington**

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**CITY**

**STATE**

**(TELEPHONE NUMBER)**

**FROM: Patrea L. Pabst**

**404.817.8473**

**NAME**

**TELEPHONE**

**TOTAL PAGES (Including Cover Sheet)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** John B. Harley, Judith A. James, and Kenneth M. Kaufman

**Serial No:** 09/500,904 **Art Unit:** 1048

**Filed:** February 9, 2000 **Examiner:** Foley, S.

**For:** DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS IN  
AUTOIMMUNE DISORDERS

Commissioner for Patents  
Washington, D. C. 20231

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the enclosed, *Petition to Revoke and Response to Notice of Abandonment, Fee Transmittal (in duplicate) with Authorization to Charge Deposit Account 50,1868*, and all documents shown as being attached is being facsimile transmitted to the U. S. Patent and Trademark Office on the date shown below.

Date: December 27, 2001

*Pia Jerome*  
Pia Jerome

### FOR THE RECORD:

**DATE:** December 27, 2001

**URGENCY:** ☒ SUPER RUSH

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☐ REGULAR

**FAXED BY:** Pia

**FILE #:** 078617.0140

**CLIENT NAME:** OMRP 161 CJP

**CONFIRMED:** ☐ YES ☐ NO

**NAME:**

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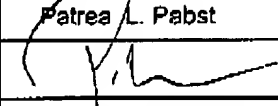
Please type a plus sign (+) inside this box → ☐PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0851-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/500,904
	Filing Date	February 9, 2000
	First Named Inventor	John B. Harley
	Group Art Unit	1648
	Examiner Name	S. Foley
Total Number of Pages in This Submission	Attorney Docket Number	OMRF 161 CIP

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Petition for Revival of An application for Patent Abandoned Unintentionally
Remarks		

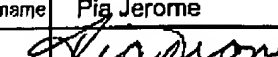
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Holland & Knight LLP Patricia L. Pabst
Signature	
Date	December 27, 2001

## CERTIFICATE OF MAILING

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: December 27, 2001

Typed or printed name	Pia Jerome
Signature	
Date	December 27, 2001

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT (\$)** 640.00**Complete if Known**

Application Number	09/500,904
Filing Date	February 9, 2000
First Named Inventor	John B. Harley
Examiner Name	S. Foley
Group Art Unit	1648
Attorney Docket No.	OMRF 161 CIP

DEC 28 2001

GROUP 1600

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																													
<b>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</b> Deposit Account Number: <b>50-1888</b> Deposit Account Name: <b>Holland &amp; Knight LLP</b> <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Small Entity Fee Code</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>218</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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<b>SUBMITTED BY</b>		<b>Complete if applicable</b>	
Name (Print/Type)	Patricia L. Pabst	Registration No. (Attorney/Agent)	31,284
Signature		Telephone	404-817 8473
		Date	December 27, 2001

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** John B. Harley, Judith A. James, and Kenneth M. Kaufman

**Serial No:** 09/500,904

**Art Unit:** 1648

**Filed:** February 9, 2000

**Examiner:** Foley, S.

**For:** DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS IN  
AUTOIMMUNE DISORDERS

Commissioner for Patents  
Washington, D. C. 20231

**RESPONSE TO NOTICE OF ABANDONMENT**

Sir:

Responsive to the Notice of Abandonment mailed December 19, 2001, applicants respectfully request that the application be revived as unintentionally abandoned. A response to the Office Action mailed December 28, 2000, was mailed with a three month extension of time on June 28, 2001. A copy of the postcard showing receipt is enclosed. A Response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequences mailed as part of the Office Action mailed December 28, 2000, was mailed April 19, 2001. A copy of the postcard showing receipt is enclosed. A Response to the Notice of Non-Compliant Amendment mailed July 12, 2001, was mailed on July 31, 2001. A copy of the postcard showing receipt is enclosed.

A second Notice of Non-Compliant Amendment was then mailed August 24, 2001.

Since it was unclear what the problem was with the Amendment, a telephone call was made to

U.S.N.: 09/500,904  
Filed: February 9, 2000  
Response to Notice of Abandonment

the examiner on September 13, 2001, which she returned on September 14, 2001, telling my secretary Jean Hicks she would look into the case and call back. She did not call back. On October 24, 2001, I called the examiner who at that time said the amendments to the specification were the problem, not the amendments to the claims. A Revised Response to the Notice of Non-Compliant Amendment was then mailed October 24, 2001. This was re-faxed (a copy of the postcard as well as the fax cover sheet are enclosed) on December 7, 2001, when a call was made to the Patent Office and we were told the Response had not been received. After a further conversation with the Patent Office regarding the Notice to comply with requirements for the Sequence Listing, a further response to the Notice to Comply with Requirements for the Sequence Listing was then sent by mail on December 11, 2001.

Applicants have received no notice that the replies were not timely filed nor that they were inadequate until the Notice of Abandonment. Any delays in responding to the Office Action mailed December 28, 2000, were entirely unintentional. Accordingly, it is believed this application should not be abandoned, or if abandoned, that full and complete responses have been filed and the application should be revived.

Respectfully submitted,



---

Patrea L. Pabst  
Reg. No. 31,284

December 27, 2001  
HOLLAND & KNIGHT LLP  
Suite 2000, One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, Georgia 30309-3400  
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OMRF 161 CTP  
078617/00140

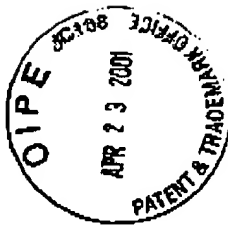
The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: John B. Harley, Judith A. James and Kenneth M. Kaufman  
 Serial & Docket Nos.: 09/500,904 OMRF 161 CIP  
 Filed: February 9, 2000  
 Papers Submitted:

Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures Amendment and Declaration under 37 C.F.R. § 1.821 (f) and Sequence Listing (paper copy and 3 1/4" diskette).

Date: April 19, 2001 Client/Matter No.: 20487/256

By: Patrea L. Pabst, Reg. No. 31,284



The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: John B. Harley, et al.  
 Serial & Docket Nos.: 09/500,904 OMRF 161 CIP  
 Filed: February 9, 2000  
 Papers Submitted:

Amendment and Response to Office Action with Certificate of Mailing under 37 CFR 1.8(a); Petition for three months Extension of Time (in duplicate); Fee Transmittal (in duplicate); Authorization to charge Deposit Account.

Date: June 28, 2001 Client/Matter No.: 078617/  
 By: Patrea L. Pabst, Reg. No. 31,284

ATL1 #469606 v1



The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: John B. Harley, Judith A. James, and Kenneth M. Kaufman

Serial & Docket Nos.: 09/500,904

OMRF 161 CIP

Filed: February 9, 2000

Papers Submitted:

Response to Notice of Non-Compliant Amendment (37 C.F.R. § 1.121) with Certificate of Mailing  
Under 37 C.F.R. § 1.8(a); substitute specification; marked-up version of amended specification pages;  
clean copies of amended specification pages with changes incorporated

Date: July 31, 2001

Client/Matter No.:

By: Patrea L. Pabst, Reg. No. 31,284

ATLA #475591 v1



## RECORD OF TELEPHONE CONVERSATION

DATE: 9/14/01  
CLIENT/MATTER NO: 078617/00140 DOCKET NO: OMRF/61 CIP  
PERSON SPOKEN TO: Egan Merson-Joley  
PHONE NO: 703-308-2732 FAX NO.:

RE: 09/500,904  
Returned PLP's call of 9/13/01.  
Said Amendment is fine - Clerical  
error. J

Called back and said there was  
a problem and she was going to  
check w/ her supervisor and call  
back. X

10/24/01 - Called Egan-Joley - She said  
Clear Version of spec does not  
contain changes.



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MESSAGE: **FILED/MAILED OCTOBER 24, 2001**

Applicants: John B. Harley, Judith A. James, and Kenneth M. Kaufman

Serial No: 09/500,904

Art Unit: 1648

Filed: February 9, 2000

Examiner: Foley, S.

For: **DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS IN  
AUTOIMMUNE DISORDERS**

Response to Notice of Non-Compliant Amendment with Certificate of Mailing under 37 CFR 1.8(a);  
Marked-up version of amended specification pages; clean copy of amendment specification pages;  
Substitute specification with changes incorporated.

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Patricia L. Pabst

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MESSAGE:

**FILED/MAILED OCTOBER 24, 2001**

Received from &lt; &gt; at 12/27/01 3:12:00 PM [Eastern Standard Time] with A. James, and Kenneth M. Kaufman